IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 8653 of 2007(W)

PETITIONERS:

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1. P.MUSTAFFA, SECRETARY,
MUBARAK EDUCATIONAL TRUST, KUTHUPARAMBA P.O.
KANNUR DISTRICT.

2. MEERA.M.M., HEAD MISTRESS,
BEST NURSERY SCHOOL, CHIRAKKARA,
THALASSERY, KANNUR DISTRICT.

3. AMRUTHA.C.C., AGED 21 YEARS,
D/O.CHANDRAN, CHOORAYI HOUSE, NETTUR,
MANAGER, PLAY PEN ENGLISH SCHOOL, CHOKLI,
THALASSERY.

4. T.V.JOSEPH, AGED 45 YEARS,
S/O.VARKEY, THUNDATHIL KUNNEL HOUSE,
NEDUNGOME P.O., SREEKANDAPURAM, HEAD MASTER,
ST.ANTONEY'S L.P.SCHOOL, CHUNDAPARAMBA,
KANNUR DISTRICT.

BY ADV. SRI.P.P.RAMACHANDRAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO THE GOVERNMENT,
EDUCATION DEPARTMENT, THIRUVANANTHAPURAM.

2. DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

ADDL. 3. THE DEPUTY DIRECTOR OF EDUCATION, KANNUR.

(ADDL.R3 IS SUO MOTU IMPLEADED AS PER JUDGMENT DT. 22.3.2007)

BY GOVERNMENT PLEADER (SHRI A. J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 8653 OF 2007 E

Dated this the 22nd March, 2007

JUDGMENT

Petitioners have approached this Court seeking to quash Ext.P13 in regard to Condition No.3. They also seek a mandamus commanding the respondents to permit prosecution of study of pupils studying in Private Schools. Apparently, petitioners have approached this Court on the basis that they are conducting private unrecognized unaided schools. The prayer pressed by learned counsel for the petitioners, however, is that the students studying in Standards upto VI may be permitted to write the annual examination in their home schools and also permission may be granted to issue TC for this year. Affidavits have been filed. Learned Government Pleader submits that as far as petitioners 2 and 4 are concerned, no relief can be granted. He points out that they are Headmistress and Headmaster and they have no competency in the matter to approach this Court. Having heard the learned Government Pleader, the Writ Petition

is disposed of as follows:

The Deputy Director of Education, Kannur is suo motu impleaded as additional third respondent. If petitioners 1 & 3 make applications before the additional third respondent for permission to conduct annual examination in respect of the students studying in Standards I to VI in the Schools of petitioners 1 and 3 for this year and to issue TC, the Additional third respondent will consider and pass orders thereon within a week of receipt of the applications in accordance with Order dated 11.12.2001. As far as petitioners 2 and 4 are concerned, I leave open the right of those Schools, if they are so advised, to approach this Court in properly constituted proceedings seeking relief.

K. M. JOSEPH, JUDGE

kbk.